

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AUG 03 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301KEENAN A. DAVIS #165536-027

Full Name of Plaintiff

Inmate Number

v.

Civil No.

3:20 cv 136

(to be filled in by the Clerk's Office)

RA. HOOVER

Name of Defendant 1

☒ Demand for Jury Trial☐ No Jury Trial DemandNURSE SENKO

Name of Defendant 2

LT. ABDUL AZIZ

Name of Defendant 3

C/O M. LISTON

Name of Defendant 4

C/O C. OWENS

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Groh
Trumble
Sims

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

☐ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)☒ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

DAVIS, KEENAN A.

Name (Last, First, MI)

16556-027..

Inmate Number

FCL-Schuylkill

Place of Confinement

FCL-Schuylkill P.O. Box 795

Address

Minersville, Schuylkill County, PA 17954-0759

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

PA Hoover

Name (Last, First)

PA (Physicians Assistance)

Current Job Title

USP Hazleton P.O. Box 2000

Current Work Address

Bruceston Mills, WV 26525

City, County, State, Zip Code

Defendant 2:

Nurse Senko

Name (Last, First)

Nurse

Current Job Title

USP Hazelton P.O. Box 2000

Current Work Address

Bruceston Mills, WV 26525

City, County, State, Zip Code

Defendant 3:

Lt. Abdul Aziz

Name (Last, First)

LT

Current Job Title

USP Hazelton P.O. Box 2000

Current Work Address

Bruceston Mills, WV 26525

City, County, State, Zip Code

Defendant 4:

Liston, M

Name (Last, First)

Correctional Officer

Current Job Title

USP Hazelton P.O. Box 2000

Current Work Address

Bruceston Mills, WV 26525

City, County, State, Zip Code

Defendant 5:

Owens, C

Name (Last, First)

Correctional Officer

Current Job Title

USP Hazelton P.O. Box 2000

Current Work Address

Bruceston Mills, WV 26525

City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

October 6, 2018 USP Hazelton

B. On what date did the events giving rise to your claim(s) occur?

October 6, 2018 thru October 27, 2018

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

On October 6, 2018 circa 1:30 AM, while in my cell I had been experiencing excruciating pain in my Abdoman. We were "locked-in" at this time, so to be removed from the cell it must be an extraordinary circumstance, not limited to a medical emergency. I declared a medical emergency to the dorm officer. However, instead of being taken to health services, I was escorted to the lieutenants office and placed in the "shake-down" cage and layed down on a medical stretcher with my pain increasing. I was in a fetal position due to the pain. Circa two hours, or so, later, Nurse SANKO showed up, I explained my situation and the unbearable pain. Nurse SANKO took my temperature and blood pressure and left without checking my Abdoman.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

1. As to Defendants SANKO AND Hoover, they neglected me proper AND sufficient medical care which lead to pain AND suffering, permanent body scars from surgery AND blood transfusion. Cruel AND Unusual punishment for their ineptness AND failing to change my bandages, CAUSING pain AND suffering
2. As to All other Defendants, they were all a party to painful UNNECESSARY use of force by ordering AND/OR obeying orders to roll me off a stretcher onto the floor AND dragging me (All on camera) to Unit D-2 CAUSING pain AND suffering, mental anguish

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

The negligence of Def SANKO AND Hoover lead to Def Lt. Abdul Aziz ordering Def's Hunt, Liston AND OWENS

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

I seek \$100,000 from each defendant for cruel AND UNUSUAL punishment; \$ 500,000 from each defendant for CAUSING pain AND suffering

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

Keenan A. Davis
Signature of Plaintiff

7/20/2020
Date

ADDENDUM I

DAVIS, KEENAN A

CONTINUATION Pg 3 ¶ B

Defendant 6:

HUNT

Correctional Officer

USP HAZELTON P.O. Box 2000

Bruceston Mills, WV 26525

Defendant 7:

COAKLEY, JOE

Complex Warden

USP HAZELTON P.O. Box 2000

Bruceston Mills, WV 26525

CONTINUATION Pg 4 ¶ III (C)

where I told her my pain was at. The pain was a level 10 (10 being the most intense). I lay on the stretcher circa two more hours or so, sweating in pain when at 6:30 AM (circa) Nurse SANKO returned with PA Hoover. They simply checked my temperature and blood pressure, then left without checking my abdomen. At circa 8:30 AM

ADDENDUM II

DAVIS, KEENAN A # 16556-027

NO change for the better, persistent pain, UNABLE to move/WALK was ordered by Lt Abdul Aziz (Defendant 3) to return to my Unit (D-2). I had been vomiting, I WAS weak, AND excruciating pain. I told Lt Abdul Aziz I couldn't get up or walk. With several other officers standing around Officer Hunt (Def No. 6) encouraged AND helped Officer M. Liston (Def No 4) AND Officer C. Owens (Def No. 5) roll me off of the stretcher onto the floor where I curled up into a fetal position in unbearable pain. Officer's Liston, Hunt AND Owens (Def's) were laughing at me, telling me to stop faking AND to get up. When I did not/could not, Lt. Abdul Aziz told Officer Liston AND Owens to take me back to my Unit. At that time Officer Hunt (Def 6) laughed AND said "snatch his ass up!" Officer M. Liston (Def 4) AND Officer C. Owens (Def 5) grabbed my upper arms AND shoulders AND carelessly/wrecklessly pulled me off the floor. One¹ officer got under one arm pit while the other officer got under the other arm pit. I felt like passing out from the pain. Officer Hunt (Def 6) told the two officers "drag his ass back to the unit!" As the two officers walked, At times my feet/shoes were dragging AND At times I could barely use

¹ Officer M. Liston ² Officer C Owens

ADDENDUM III

DAVIS, KEENAN A # 16556-027

my tiptoes to lift my feet. The pain was intense. I defecated in my boxers. All the while both Officers (Def's) taunted me by telling me it would be a lot easier if I would quit faking. Upon entering the sallyport of Unit D-2, Officers M. Liston and C. Owens handed me over to another Officer. That officer stated to me "you look fucked up!" He assisted me to my room. When that officer left my cell, I was embarrassed by the defecation so it took all my energy to change clothes.

On this same day, circa 12 noon, Unit Manager Jones came onto the D-2 dorm. Numerous inmates told UM Jones of my situation. He entered my cell and observed the shape I was in and radioed medical about my worsening/deteriorating state. It took medical staff circa 3 hours to send for an inmate to go to medical to get a wheelchair to pick me up and be wheeled to medical. Inmate Bobby Ball got the wheelchair and picked me up and pushed me to medical. Once again I was seen by Nurse Sanko and PA Hoover. Once again my temperature and blood pressure was taken. However, this time they took my urine sample was collected. One of them said there was blood in my urine. I had also expressed my "stool" was black. I was not

ADDENDUM IV

DAVIS, KEENAN A # 16556-027

seen by a doctor nor the clinical director, but I was transported to the "outside" emergency room at Mons (sp) Hospital.

Upon arrival at the emergency room, the attending doctor had tests performed. A short time later I was advised I required surgery and blood infusion/transfusion. I was soon thereafter taken to the operating room where surgery was performed to repair ulcer ruptures. After surgery, the surgeon advised me that the ruptures came from physical force trauma. I know I had done nothing to cause them. These ruptures were caused by Officer's Hunt, C. Owens, and M. Liston (Def's) rolling me off the stretcher onto the floor and Officer's C. Owens and M. Liston (Def's) exacerbated the damage by dragging me to my Unit despite my crying in pain. Lt. Abdul Aziz ordered the action despite my pain and condition. I remained hospitalized from October 6, 2018 until October 25, 2018, in pain and now have a large unattractive scar from the surgery.

Upon returning to prison, my bandage was ordered to be changed. Nurse Sanko and PA Hoover refused me on October 26th and 27th, 2018. Warden Coakley (Def) was notified but did nothing about it.

ADDENDUM V

DAVIS, KEENAN A# 16556-027

Continuation from Pg 5 ¶ V

to use UNNECESSARY use of force, which lead to ruptured ulcers which lead to surgery and blood transfusion, all of which were UNNECESSARY, cruel and unusual, creating pain and suffering, mental anguish and permanent body scars.

Continuation from Pg 5 ¶ VI

\$ 50,000 from each defendant for mental anguish

\$ 75,000 from Defendants Abdul Aziz, C. OWENS, HUNT and M. Liston for causing the rupture.

\$ 100,000 from Defendant Coakley for neglecting his duty.

Continuing from Pg 1 ¶ Defendants

NAME of Defendant 6: C/O HUNT

NAME of Defendant 7: Warden Joe Coakley